

**MUNICIPAL CLERK  
CITY OF ATLANTA**

02-0-0730

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO ABANDON A PORTION OF THE PUBLIC RIGHT-OF-WAY OF JOYLAND PLACE, SAID PORTION BEING APPROXIMATELY 15,279 SQUARE FEET IN AREA (0.350 ACRES), RUNNING BETWEEN JOYLAND AVENUE AND INTERSTATE 75/85 AND LOCATED IN LAND LOTS 72, 73, 88 & 89 OF THE 14<sup>TH</sup> DISTRICT, FULTON COUNTY, GEORGIA, AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has received a petition to abandon a portion of the public right-of-way of Joyland Place, said portion being approximately 15,279 square feet in area (0.350 acres), running between Joyland Avenue and Interstate 75/85 and located in Land Lots 72, 73, 88, & 89 of the 14<sup>th</sup> District, Fulton County, Georgia,

**WHEREAS**, the Department of Public Works has determined that said petition is complete and that the required application fee has been paid to the City of Atlanta; and

**WHEREAS**, the petitioners are the sole property owners of the land abutting the public right-of-way proposed to be abandoned and petitioners will utilize the abandoned portion of said public right-of-way for commercial purposes; and

**WHEREAS** the abandoned public right-of-way shall become a part of the abutting property owner's private property and shall be their responsibility to maintain; and

**WHEREAS** the petitioners agree to purchase from the City of Atlanta at appraised fair market value the public right-of-way to be abandoned.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:**

**Section 1.** That a portion of Joyland Place, S.E., running east from the easterly right-of-way line of Interstate 75/85 a distance of approximately 390 feet to the intersection of Joyland Avenue (a.k.a. Joyland Street) and Joyland Place (a.k.a. Grover Street), said public right-of-way consisting of an area of 15,279.69 square feet (0.350 acres), lying in Land Lots 72, 73, 88 and 89 of the 14<sup>th</sup> District of Fulton County, Georgia, as shown on the attached survey plat, is hereby declared no longer useful or necessary for the public use and convenience.

**Section 2.** That the City of Atlanta hereby abandons the above described portion of Joyland Place with the reservation of permanent easements for the purpose of entering the property to operate, maintain, or replace any and all utility facilities that may exist. Easements shall remain in effect until such time as said utilities may be abandoned, removed, or relocated, at which time said easements shall expire.

**Section 3.** That the payment by the petitioner of an amount equal to the fair market value shall be a condition of this abandonment.

**Section 4.** That the Director of the Bureau of Purchasing and Real Estate is hereby directed to have prepared an appraisal of the fair market value of the public right-of-way to be abandoned.

**Section 5.** That all costs associated with the appraisal of the subject property and all costs associated with the advertising of this petition for abandonment shall be charged to and paid from Account Number 1A01-524001-G55001.

**Section 6.** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, the City Attorney, upon receipt of payment from the petitioner in the amount of the appraised fair market value of the property, is hereby directed to prepare a Quit Claim Deed for said abandoned public right-of-way.

**Section 7.** That the Mayor is hereby authorized to execute said Quit Claim Deed for the abandoned public right-of-way, all other conditions being satisfied.

**Section 8.** Upon execution, all documents shall be filed and recorded with the Clerk of Superior Court of Fulton County.